

DOCKET NO.: IBIS-0403(1BIS0055-100)  
SERIAL NO.: 10/071,978

PATENT  
FILED:02/06/2002

### REMARKS

Claims 1, 3-21, 63 and 65-97 were pending in the application. Claims 2, 22-62, 95 and 98-106 were previously canceled with claim 64 being presently canceled without prejudice to their presentation in another application. Claims 1,7-8, 11, 63 and 65 have been amended, support for which can be found throughout the specification and specifically at the various tables and examples of compounds of the invention. No new matter has been added. Upon entry of the present amendment, claims 1, 3-21, 63, 65-94 and 97 will be pending.

#### I. Summary of the Claimed Invention

Applicants' invention is directed to, *inter alia*, novel benzimidazoles according to representative structures I and II, and their derivatives that possess antibacterial activity. This invention is also directed to compositions including the benzimidazole derivatives, and methods for using the same.

#### II. The Claims Are Clear And Definite

Claims 1, 3-6 and 63-72 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Office Action asserts various "R" group definitions and misspelled words in the claims render them indefinite. Although Applicants believe the claims are clear and definite as originally drafted, solely to advance prosecution of the present application, Applicants have amended claims according to the Examiner's suggestions, to be even more clear and definite. Specifically, R<sub>20</sub> has been deleted, thereby precluding the need for its definition. Moreover, the proviso language was deleted from claim 1, rendering moot the related rejections. Applicants propose the rejections of claim 1 are moot in view of the amendments to claim 1.

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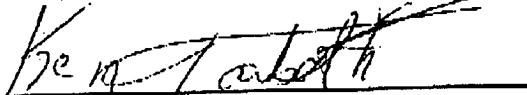
Claim 63 has also been amended, removing the proviso that  $R_{16} \neq R_{15}$ , thereby rendering moot the rejection of this claim.

Furthermore, claims 11 and 18-19 have been rejected for failure to particularly point out within the claim the exact radicals Applicant wanted to claim. These claims have been correspondingly amended to specifically recite each radical Applicant previously specified. Applicant requests, therefore, that this rejection be withdrawn.

#### IV. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (619) 685-1708 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,



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